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Report of the Secretary-General

The situation in Afghanistan and its implications for international peace and security

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1471 (2003) of 28 March 2003, by which the Council decided to extend the mandate of the United Nations Assistance Mission in Afghanistan (UNAMA) for one year. The report describes developments in Afghanistan since my report dated 23 July 2003 (A/57/850-S/2003/754 and Corr.1). During that period, the Security Council received oral briefings on 13 August and 24 October; the latter has been published in the Council's verbatim records (see S/PV.4848). The Council also received the report of its own mission, which visited the region from 31 October to 7 November (S/2003/1074). In addition, my report to the General Assembly of 3 December 2003 (A/58/616) described the work of the Transitional Administration to implement the Bonn Agreement, the activities of the United Nations and key political and humanitarian developments in Afghanistan from July 2002 to November 2003. Matters covered in those briefings and reports will not be repeated in the present report, except in summary form.

II. Implementation of the Bonn Agreement

2. The peace process in Afghanistan has reached a critical juncture, two years since the beginning of the implementation of the Bonn Agreement. Certainly, a great deal has been achieved. The establishment of the Afghan Transitional Administration itself, the articulation of a national development framework, the successful inauguration of a new currency, the return of some 4.2 million children to school, one third of them girls, the beginning of security sector reform, the establishment of a national network of offices of the Afghan Independent Human Rights Commission and the ongoing road reconstruction effort are but a few of the accomplishments.

3. During the reporting period, the most sensitive and potentially divisive steps (see S/2003/1074, para. 32) of the Bonn processes began: the pilot phase of the disarmament, demobilization and reintegration programme on 24 October, the electoral registration on 1 December and the Constitutional Loya Jirga on 14 December. If successfully conducted, these processes together can move the State-

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building effort in Afghanistan a good deal forward by providing an agreed framework for a new political order, drawing down the factional armies and creating space for the new national army and police, and laying the ground for the elections for a new Government. However, fundamental challenges need to be overcome if the peace process is to become irreversible and the relatively fragile institutions of State secured. First and foremost, the problem of insecurity must be addressed, as that is a precondition for the success of the Bonn process.

4. The electoral registration, in particular, cannot be accomplished if broad geographical access is denied to the registration teams because of insecurity. Addressing the security challenges facing the Bonn process will require further, coordinated and intensified efforts to improve security using national and international resources. Further reforms are also needed to broaden the representation of all sectors of Afghan society in the central Government. This in turn should help progress in addressing another vital challenge: the need to increase the extent of the Government's authority throughout the country. Lastly, increased efforts are required to ensure that reconstruction proceeds in all parts of the country.

A. Overall security situation

5. Afghanistan has experienced a deterioration in security at precisely the point where the peace process demands the opposite. The reporting period saw an increase in terrorist activity, factional fighting, activities associated with the illegal narcotics trade and unchecked criminality. In the last 90 days, the number of reported incidents targeting civilians exceeded the total of those that occurred in the first 20 months following the signing of the Bonn Agreement. At their height during the reporting period, attacks against the humanitarian community escalated from a rate of one per month to one almost every two days. This rate has subsided over the past several weeks, though threats against the international community remain and a number of steps have been taken to minimize exposure to them.

6. Attacks on international and national staff of the assistance community and officials of the central Government have been concentrated in the south and the south-east. Previously, such acts were largely conducted in relatively remote or isolated areas, but in recent months they have expanded to city centres. On 16 November an international staff member of the Office of the United Nations High Commissioner for Refugees, Bettina Goislard, was assassinated in broad daylight in the centre of Ghazni. This closely followed a car-bomb attack on United Nations offices in Kandahar on 13 November, which damaged the premises but fortunately did not result in loss of life.

7. In the affected areas, in the absence of sufficient forces to provide security, unarmed civilians cannot be asked to shoulder unreasonable risks and continue activities that make them targets. Accordingly, much of the south and south-east of the country is now effectively off limits to the United Nations, the assistance community and central Government officials, except under special escort. Lack of access to assistance or structures of the State risks further alienating the population, which is predominantly Pashtun, and may increase their willingness to tolerate, if not support, the presence of those among them who have an agenda that is at odds with the peace process.

8. In response to the increased threat against the United Nations and the aid community, on 26 November President Karzai established two national task forces, bringing together the Afghan security ministries, the International Security Assistance Force (ISAF), the coalition forces and the United Nations. One task force is working on short-term measures to ensure the necessary security for the Bonn processes and for aid and reconstruction efforts, while the second is to work on responses to security threats over the longer term. UNAMA presented the former with a list of urgent requests, including requests for increased resources needed by the Ministry of Interior units deployed to protect United Nations and aid community premises and Bonn processes, for greater coordination in security planning, for increased protection support from ISAF and the coalition and for information-sharing. The task force structure has been replicated at the regional level, where national and international security actors have worked with UNAMA to prepare local security plans.

9. The arbitrary rule of local commanders and the presence of factional forces in significant portions of the country continued to be another source of insecurity. Allegations continued that communities under their control are often deprived of their basic rights and are victims of serious human rights abuses. The north, in particular, has suffered the effects of factional fighting. In October, just weeks before the planned start of the pilot phase of the disarmament, demobilization and reintegration programme, the population of Mazar-i-Sharif (Balkh province) was subjected to intense interfactional fighting — 6 people were reportedly killed and 30 injured. The Minister of Interior negotiated a ceasefire and heavy weapons disarmament agreement with General Atta Mohammed and General Dostum, the implementation of which is being supervised by the Joint Security Commission, with the participation of the Mazar-i-Sharif provincial reconstruction team and UNAMA.

10. Some 280 Kabul-based police were deployed to Mazar-i-Sharif on 18 October. Despite the insufficiency of equipment, including weapons and ammunition, the police have dismantled illegal checkpoints, are manning official checkpoints with the local police and are doing foot patrols in the city. A battalion of the Afghan National Army (and its trainers from the coalition forces) was also dispatched to the north to provide security to the heavy weapons cantonment site, in accordance with the ceasefire agreement. The troops are also patrolling Chimtal and Charbolok districts (Balkh province), where the sites are located.

11. Thus far, the forces of General Atta Mohammed have demonstrated compliance with the agreement; the forces of General Dostum have shown some resistance, as reflected in the fact that they have handed over fewer weapons. Some observers have suggested that this resistance to disarmament may be intended to maintain a point of leverage in the ongoing discussions with the Government relating to General Dostum's future position.

B. Security sector reform — partnership of the Government of Afghanistan and lead nations

12. To enable the Government of Afghanistan to exercise its responsibility for ensuring security, credible national institutions responsible for the rule of law must be further developed. This can be achieved only in the medium term, through the

national army and police programmes and the judicial reform effort. In the immediate term, a level of stability is essential for the peace process to progress, and for this, increased security assistance from the international community will be needed.

13. As previously reported, reform of the line ministries, in particular the Ministry of Defence and the Ministry of Interior, as well as the intelligence services, is an essential requirement for effective disarmament, demobilization and reintegration and the development and training of police and military forces (see A/57/850-S/2003/754, para. 27). In this regard, the Government has made some important progress. As a first step, in September, 22 of the Ministry of Defence "first tier" positions were filled by new appointments representing 17 provinces and a broad range of ethnic groups. Nonetheless, the reform was less sweeping than had been hoped by some, and there remains a strong belief, particularly among Pashtuns, that Panjshiri elements continue to retain a disproportionate share of power. However, the reform was deemed sufficient to enable the pilot phase of the disarmament, demobilization and reintegration programme to proceed. Forces in the capitals of five provinces are expected to participate in the pilot phase: Kunduz, Gardez, Mazar-i-Sharif, Kabul and Kandahar.

C. Disarmament, demobilization and reintegration of ex-combatants

14. Under the Afghan New Beginnings Programme, the pilot phase of the disarmament, demobilization and reintegration programme began on 24 October in Kunduz province. With financing from Japan and assistance from the United Nations Development Programme (UNDP), 1,008 ex-soldiers were processed through the disarmament and demobilization phases. Nine hundred and twenty-six weapons were collected and transported to Kabul, where they are being stored by the Afghan National Army Central Corps under a dual-lock system and held by the Ministry of Defence and the international observer group. By 11 December, 1,004 of the ex-soldiers had selected reintegration options. The most popular areas were agricultural assistance, vocational training and job placement, and demining training. The second disarmament, demobilization and reintegration pilot phase began in Gardez (Paktia province) on 9 November. As at 17 December, 628 ex-soldiers and officers had been disarmed, 584 demobilized and 471 reintegrated. Heavy weapons accounted for the bulk of the arms collected and have also been transported to Kabul. The international observer group is observing the work of the regional verification committees and the Ministry of Defence operational groups responsible for preparing and verifying lists of soldiers to be demobilized.

15. The pilot phase is being assessed as it progresses. A number of challenges and lessons have been identified, in particular, instances of intimidation by commanders who have tried to extort soldiers' severance benefits and the need to provide adequate incentives for senior commanders to participate. It is also clear that successful disarmament, demobilization and reintegration must progress in tandem with, not in isolation from, other security sector reforms, so that national security structures are ready to fill the gaps left by demobilized units. Adjustments to ensure the integrity of the process are being made as appropriate and to the extent that resources permit.

16. While heavy weapons disarmament has begun in Mazar-i-Sharif, the disarmament, demobilization and reintegration pilot phase will start in early January to allow sufficient time to verify all four divisions in the area and lists of the 2,000 soldiers and officers expected to go through the process — twice as many as in the pilot phases in Kunduz and Gardez.

17. In Kabul, the pilot disarmament, demobilization and reintegration programme began on 10 December. Thus far 2,000 soldiers from eight units have been identified by the Ministry of Defence to take part in the Kabul pilot project. Two hundred of them have been disarmed, and the remainder are undergoing verification. All eight units will be decommissioned and their components reintegrated by the end of January. Similar to the process in Mazar-i-Sharif, disarmament, demobilization and reintegration in Kabul will hopefully take place in parallel with the ISAF-sponsored heavy weapons cantonment plan, which began on 10 December with the collection of 250 heavy weapons. This is a very welcome and important development because disarmament in Kabul was called for in the Bonn Agreement, and the delay in its implementation until now has been a source of contention and distrust. Its credible conduct could make an essential contribution to building wider public confidence that the disarmament, demobilization and reintegration process serves all of Afghanistan's interests, not only factional interests.

D. Afghan National Army

18. Towards the aim of reaching a strength of 70,000 troops under a 10-year plan, 12 battalions have so far been trained and established under the lead of the United States of America, representing a total force strength of 6,500 (all ranks). These troops are currently engaged in security roles, such as in the disarmament, demobilization and reintegration programme (guarding cantonment sites of heavy weapons); in counter-terrorism and stabilization operations led by coalition forces; and in assisting with the provision of security during the Constitutional Loya Jirga (four battalions).

19. During the reporting period, several steps were taken to address instances of attrition from the army and to attract recruits dedicated to career service. Basic pay for new recruits has increased; adjustments have been made to the leave policy for those recruited from more remote areas of the country; and improvements have been made in the facilities for religious observance. National army volunteer recruitment centres have been established in five provinces, and a further 29 new centres are planned. Steps have also been taken to accelerate the training of Afghan National Army troops. The number of new recruits who can participate in training has increased by 750, to 2,250, and the length of courses has been adjusted.

E. Police and corrections reforms

20. The Ministry of Interior has begun implementing far-reaching reforms geared towards the implementation of a five-year plan to develop a national police service of some 50,000 members and a force of 12,000 border guards. It is projected that some 213 higher-ranking and 2,000 lower-ranking officers would be trained by mid-2004. For the border guards, the focus in 2004 will be on the establishment of a

Kabul International Airport headquarters and on beginning to make eight regional battalions operationally ready.

21. Where these police have been deployed in three provinces, they have contributed to stability, public confidence and the maintenance of law and order. Yet, at this early stage of the process, the number of trained police remains too low and ill equipped to provide the full support needed by the central Government in its efforts to establish itself in the provinces. In an effort to address this shortage, the first regional police training programme, in Gardez (Paktia province), completed its first two-week course on 5 December, graduating 26 police officers. The completion of a permanent training facility is scheduled for the end of December. Current plans foresee additional training centres, in Bamian, Jalalabad, Herat, Kunduz and Mazar-i-Sharif, operational by June 2004. Until the central Government can be assured of sufficient income, including the receipt of customs revenues due from the provinces, funding for police salaries, infrastructure and equipment will continue to be dependent on voluntary donor funds contributed to the UNDP-administered Law and Order Trust Fund. In this regard, the commitment by the European Union of 50 million euros to the Trust Fund in September 2003 was very welcome, fulfilling the current requirements for the payment of salaries and other expenses for the police.

F. Justice reform

22. In the justice sector, the civil and criminal codes and other important legal frameworks are being reviewed and updated. The Bonn Agreement provided for the establishment of the Judicial Reform Commission to serve as platform for discussions among the permanent justice institutions on how to rehabilitate and strengthen the administration of justice. The ad hoc high-level meeting on Afghanistan, held in New York on 24 September 2003, issued a communiqué that expressed appreciation for the work done by the Commission, and looked forward to its final recommendations on the rehabilitation of the justice system. The limited pool of professionally trained and experienced jurists, as well as a lack of effective working coordination between the Judicial Reform Commission and other elements of the justice sector, such as the Minister of Justice and the head of the Supreme Court, have impeded progress in the sector. Efforts (led by Italy) are now focussed on improving the coordination between the permanent institutions, the Supreme Court, the Ministry of Justice and the Office of the Attorney-General.

23. A strategy that provides for complementary and coordinated undertakings for the reform of the justice, public administration and public infrastructure and security (including police, military and disarmament, demobilization and reintegration) sectors is critical to the establishment of the rule of law. As part of the efforts to strengthen governance at the provincial level, the justice sector is developing an integrated model of intervention in Paktia province, which combines reconstruction, rehabilitation and refurbishing of judicial and corrections buildings, training for magistrates, administrative justice personnel, police, corrections staff and defence counsels, and public awareness.

24. The absence of an international commitment to develop a penitentiary system is a significant obstacle to the establishment of institutions for the provision of law and order. Many of the concentrated efforts of the criminal justice system will be seriously diminished if the prison system is not working effectively.

G. Counter-narcotics activities

25. The countering of illegal narcotics activities in Afghanistan will continue to face numerous internal obstacles: an environment of rural underdevelopment, the absence of rule of law, the limitations on financial resources for law enforcement and the paucity of alternative livelihoods. Efforts to counter poppy production continue to meet with violent opposition in a number of areas. The perception that many local commanders and factional leaders, some Government officials and possibly terrorists derive income from the illegal narcotics trade is of particular concern and has troubling implications for the establishment of the rule of law.

26. The *Afghanistan Opium Survey 2003* of the United Nations Office on Drugs and Crime, released on 29 October, reported that Afghanistan remains the largest opium-producing country in the world. The annual income of opium farmers and traffickers is estimated to be some $2.3 billion, equivalent to half the published gross domestic product of the country. Ministry of Finance officials warn that the illegal narcotics trade, if it goes unchecked and if the national economy is not better supported, could overtake the country's legitimate economy and ultimately make Afghanistan a "narco-State".

27. Under the aegis of a 10-year plan, the Government, with the support of the United Kingdom of Great Britain and Northern Ireland, took several further steps towards combating illegal narcotics. During the reporting period, the Counter-Narcotics Directorate opened field offices in the provinces of Badakhshan, Balkh and Herat, where drug activity is prevalent. Additionally, on 20 October the Government passed a national drug law identifying drug-related crimes and strengthening penalties for trafficking and related activities. Ultimately, however, regional solutions that address transit routes and demand reduction are equally if not more critical.

H. International Security Assistance Force

28. On 11 August control of ISAF was transferred from Germany and the Netherlands to the North Atlantic Treaty Organization (NATO). This represented the first operation to be commanded by NATO outside of the territory of NATO member States, and it brought with it the benefit of continuity of command, as well as providing better-integrated control and logistic support. Encouragingly, it also saw a willingness to consider the expansion of the ISAF mandate beyond Kabul, as envisaged by the Bonn Agreement. The Security Council's adoption of resolution 1510 (2003) on 13 October, authorizing the expansion of ISAF, gave rise to optimism that stability would come to the areas most in need. The first fruit of this will be the replacement of a coalition provisional reconstruction team in Kunduz province, by German soldiers under ISAF command effective 31 December. There is unlikely to be further expansion of ISAF until more assets are available in country for it, namely, close air support, fixed-wing and rotary-wing lift capability, special forces capability and logistical support. All of this is not envisaged to be in place until early summer 2004, when it is hoped that five provincial reconstruction teams in the north of the country will change to ISAF command.

I. Provincial reconstruction teams

29. During the reporting period, three new provincial reconstruction teams were established under coalition command in Parwan (22 November), Herat (1 December) and Kandahar (11 December). With these new teams, there are now seven operational in the provinces. The teams in their present form are described in A/58/616, paragraphs 34 and 35. Plans are in place for the establishment of 10 additional coalition provincial reconstruction teams by early 2004. Priority is being given to creating a chain of provincial reconstruction teams across the east, south-east and south, including in Kunar, Nangahar, Zabul and Khost provinces. The coalition forces plan to establish brigade-level areas of operations across the country, with provincial reconstruction teams coming under the command of the local brigade commander, as opposed to the present arrangement by which the teams report directly to Kabul command structures.

30. Positive experience has been gained in the past few months with regard to the provincial reconstruction teams and the kind of contribution they can make to the Bonn process. In Gardez, their presence has made it easier for the central Government to effect overdue changes in the local security forces by helping deter local factional commanders from overturning Government decisions. In Mazar-i-Sharif, the provincial reconstruction team has assisted in bringing about and implementing a settlement after the latest round of fighting in the north. In Kandahar and Bamian, the teams have played an important role in creating security for the election of the delegates to the Constitutional Loya Jirga. In Gardez again, cooperation between UNAMA and the provincial reconstruction team has greatly helped the successful completion of the disarmament, demobilization and reintegration pilot project. Overall, we believe that the further deployment of the provincial reconstruction teams throughout the country will have a stabilizing effect in a variety of ways, including direct support for disarmament, demobilization and reintegration and voter registration; support for the deployment of newly trained police and the Afghan National Army; the provision of security expertise to existing local security forces; and reconstruction activities in areas where insecurity prevents other agencies from operating, particularly with regard to government infrastructure, secondary roads and water projects. In addition to the provincial reconstruction team concept, the possible use of temporary deployments of ISAF troops for specific, short-term security and Bonn-related tasks, as is currently being considered by NATO, would likely be very useful in the Afghan context.

J. Government authority

31. During the reporting period, the central Government continued to take steps towards expanding its effective control across the country. Earlier reform measures (see A/57/850-S/2003/754, paras. 2-10), have gradually yielded results, such as increased revenue collection from the provinces. With assistance from the international community, during the reporting period communication links have been established between provincial centres and Kabul, as well as between provincial police stations and the Ministry of Interior. This provides a direct line to local administrations and ties the regions to the capital. More communication equipment was donated to the Ministry of Interior by Japan in mid-December 2003.

32. Nevertheless, insecurity continued to be a significant constraint. Beyond Kabul, some factional leaders continued to resist the Government's efforts to install national appointees in the provinces and districts. Where appointments have been implemented, the lack of institutional support, particularly from the police, has seriously curtailed the implementation of Government programmes. In the province of Kandahar, currently one of the most volatile areas of the country, a capable Governor has recently been installed, but lacks necessary material and logistical support. The number of trained police is insufficient, as is funding for their salaries and basic equipment requirements. A notable exception is Gardez, where, as mentioned in paragraph 30 above, the presence of international and Afghan National Army forces in the area has deterred active resistance to the appointment of senior officials. These officials have been supported by a credible and sustained police presence and, within a few months, there has been a marked increase in stability.

33. With these lessons in mind, the central Government is working closely with UNAMA, the coalition forces, ISAF and donor Governments to formulate a nationwide stabilization plan aimed at bringing together security improvements, better local governance and reconstruction activities. Under a pilot programme in Kandahar, a series of steps are being taken, including regionally based police training, which will begin around 20 December, the deployment of 300 national police from Kabul and a disarmament, demobilization and reintegration project, which is scheduled to commence in early 2004. A newly established provincial reconstruction team will provide security assistance for these efforts, supervising local police training, supporting the deployment of the Afghan National Army and undertaking reconstruction of critical Government infrastructure.

III. Status of political processes under the Bonn Agreement

A. Constitutional reform

34. The draft Constitution was made public on 3 November by the Constitutional Review Commission, the culmination of a drafting process that included a significant national consultation. The draft provides for a strong presidential system of government and a bicameral legislature, codifies respect for fundamental rights, including those enshrined in the Universal Declaration of Human Rights, and calls for the laws of the nation not to be in contradiction with the religion of Islam. The draft also outlines transitional measures, including those for elections. Decrees on the holding of presidential elections would be issued within six months following the adoption of the Constitution, and legislative elections are scheduled to take place no more than one year after presidential elections. Public reaction to the draft focused mainly on three issues: the form of government, the structure of the State and the role of Islam, and the status of national languages.

35. Five hundred and two delegates are participating in the Constitutional Loya Jirga, comprising 340 delegates elected from provinces, 110 elected from special constituencies (women's groups, nomads, religious minorities) and 52 appointed by the President. Of the latter, half are women. An initial period of 10 days has been set aside for the Constitutional Loya Jirga.

36. To mitigate security threats, the elections for the delegates to the Constitutional Loya Jirga were held in eight regional centres (as well as in the

Islamic Republic of Iran and Pakistan for refugees) and were completed on 8 December. The nature of the elections for the Loya Jirga has come under the critical scrutiny of a number of independent organizations, and there have been allegations of interference by factional leaders in the form of bribery and intimidation. The Executive Committee specifically set up for the purpose has reviewed many cases and invalidated a number of election results. In Afghanistan's present circumstances, the election results yielded the best possible outcome under security conditions that were far from perfect.

37. On 14 December the Constitutional Loya Jirga commenced its deliberations. It has approved its rules of procedure and elected its Chairman, Sebghatullah Mojaddedi. Additionally, four Deputy Chairpersons, including one woman, and three rapporteurs, two of whom are women, make up the Bureau. Ten working committees have been established to review the draft and propose amendments. While debate has been vigorous, delegates have expressed concerns about domineering attitudes expressed by jihadi groups in the Constitutional Loya Jirga. At the time of writing, the Loya Jirga was ongoing.

B. Electoral registration

38. Credible elections that advance the peace process will require an environment that allows the exercise of political rights, including freedoms of expression and association. Lacking this, the outcome of elections risks merely legitimizing through the ballot box political figures whose current authority stems from the use of force.

39. During the reporting period, the Transitional Government established the institutional, and in particular much of the legal institutional, framework necessary for the voter registration process. On 26 July 2003 the Joint Electoral Management Body was established to oversee the registration process. Comprising six Afghan Interim Electoral Commissioners and five international electoral experts (including the UNAMA Chief Electoral Officer), the Joint Electoral Management Body will issue regulations and guidelines, register parties and certify the final voter registry. The Interim Afghan Electoral Commission, comprising six members, was established the same day and has been working, with the support of UNAMA and UNDP, on the registration exercise. This has included the development of a public information/civic education strategy, as well as the process of hiring and training some 5,000 Afghan registrars.

40. Completing the electoral process will require overcoming major challenges in terms of geography and climate, culture, securing donor resources and security. The challenges of timely funding and security will be the most difficult to overcome. In August the Government of Afghanistan, UNAMA and UNDP presented to donors a budget of some $78 million. The lack of early donor response caused the start of registration to be delayed from 15 October to 1 December. To date, some $40 million has been contributed and committed for the registration project. While this has been sufficient to permit the start of voter registration on 1 December, funding remains a concern for the future.

41. In the first phase of registration, 28 electoral sites have been established in eight regional centres. Between 1 and 23 December, 125,240 voters were registered, 18 per cent of whom were women. This was accomplished with a limited number of registration centres because of security concerns. The current rate of registration,

however, is far below the rate necessary to complete registration for elections next year. The second and third phases of the exercise provide for the deployment of registration teams to the provincial capitals and remote rural areas, respectively. Current security arrangements are not sufficient to allow full access to all rural areas for the third phase. Hopefully, ongoing efforts to deploy more provincial reconstruction teams and enhance Government security capabilities will address the problem, but time is of the essence. Clearly, the safety of staff and participants is of paramount concern, and the implementation of the process will have to remain under constant review. Further recruitment of international staff of United Nations Volunteers (UNV) into Afghanistan and UNV deployment of existing staff to the regions to serve as registration supervisors has been suspended for security reasons. Options for increasing the role of non-United Nations Afghan electoral institutions to staff the registration process are currently being assessed by UNAMA and the Joint Electoral Management Body. This would accelerate the "Afghanization" of the Electoral Commission secretariat, reduce the number of international staff needed on registration teams and thereby potentially reduce the threat to them. Nevertheless, to the extent the electoral process as such is targeted, Afghan staff will remain just as vulnerable as international staff.

42. As a complement to the electoral programme, a $9 million registration security project has also been designed and presented to donors. The project will support the training and deployment of some 1,200 Afghan police alongside registration teams. This project, which is to be financed through the Law and Order Trust Fund for Afghanistan, is fully funded. To date, 105 national registration security policemen have been trained, and once payment mechanisms are in place, they will be deployed. Pending this, provincial police have been available to protect registration sites. UNAMA is currently discussing with the Afghan Government and international partners how this project might be expanded to help provide security to other critical elements of the Bonn process, including security for the United Nations and international aid community in critical areas.

C. Regional relations

43. In a very welcome development, on 22 September 2003 Afghanistan and its neighbours signed in Dubai the Declaration on Encouraging Closer Trade, Transit and Investment Cooperation, to respect and build upon their commitments to support regional political stability and mutual economic well-being. Relations between Afghanistan and Pakistan have experienced some tensions, expressed publicly, during the reporting period, though this trend has been reversed recently. The infiltration of elements hostile to the Afghan Government across the border from Pakistan to Afghanistan has remained a serious concern. To deter this infiltration Pakistan has deployed and maintained troops along its border with Afghanistan. Such operations along the border are an important part of the effort to deter Taliban and other anti-Afghan Government activity. However, there remain persistent reports of Taliban leaders operating inside Pakistan as well. The tripartite commission formed by Afghanistan, Pakistan and the United States of America is working to address the issue of cross-border security and other mutual security concerns, and it is hoped that through this mechanism and other, bilateral contacts, the problem of cross-border destabilizing activities will be effectively contained.

IV. Human rights

44. UNAMA continues to monitor and investigate human rights violations, to ensure that human rights fundamentals are incorporated in the process of institution-building and to support the Afghan Independent Human Rights Commission as the primary national institution responsible for protecting and promoting human rights. The overall human rights situation during the reporting period has not improved, and is unlikely to do so until the security situation does so.

45. Issues noted in previous reports continue to be a subject of concern, including intimidation against independent media and political groups; human rights violations committed by local government officials, particularly police, including arbitrary arrests, intimidation, torture and extrajudicial killings; abuses committed by local commanders and armed groups, such as extortion, intimidation, rape, murder, illegal detention and forced displacement; abuses against women and children, including trafficking, sexual violence and forced marriage; and property seizure and forced displacement, particularly by government officials using the cover of law for personal gain. Abuses committed by local commanders and armed groups remain of serious concern. Notwithstanding the above-mentioned efforts to expand its authority, the Government remains, in too many cases, unable to address arbitrary rule by too many of its own agents.

46. However, there have been a number of positive signs during the reporting period. Some local officials, including senior police officers, have been removed following monitoring and investigative work carried out jointly by the Afghan Independent Human Rights Commission and UNAMA. For example, in Herat the Minister of Interior removed the Chief of Criminal Police, who was allegedly involved in many abuses, including illegal detention and torture, after a joint investigation by the Commission, the Ministry of Interior and UNAMA. In response to concerns about child trafficking, a number of awareness-raising workshops have been organized jointly between the Commission and UNAMA. The Ministry of Interior and the Ministry of Labour and Social Affairs are also taking an earnest interest in the problem and are seeking to develop mechanisms to address it. A number of apparently trafficked children have been returned, and the border police have increased vigilance to prevent cross-border trafficking. Land disputes, forcible occupation of lands and properties by commanders and forced evictions make up a significant portion of complaints received by UNAMA and the Commission.

47. The forced eviction of families in Shirpur village in Kabul and the distribution of lands by the Ministry of Defence and the municipality for the private use of government officials and their associates were highlighted by the Afghan Independent Human Rights Commission, the Special Rapporteur of the Commission on Human Rights on adequate housing and UNAMA in September. As a result, the President appointed a commission to inquire into the incident. The Chief of Police who was directly involved in the demolition of houses was removed from his post.

48. The Afghan Independent Human Rights Commission continues with the implementation of its work plan to promote and protect human rights, with the assistance of the Office of the United Nations High Commissioner for Human Rights, UNAMA and UNDP. Importantly, the Commission has been an active partner in monitoring and investigating the above-mentioned allegations of human rights violations; over 930 complaints have been registered and investigated since

January 2003. The Commission is also working with UNAMA and the Executive Committee to monitor the Constitutional Loya Jirga and to investigate complaints and issues of concern. Each of the Commission's seven regional offices has professional staff in the five areas of the Commission's work: monitoring and investigations, human rights education, women's rights, children's rights and transitional justice. However, it should be noted that the Commission is not able to follow up on a large number of complaints it receives because of the prevailing security situation and the involvement of high-ranking officers. A concerted effort by the international community is needed not only to continue to support the institution-building efforts, but also to implement the commitment made to expand the international security forces beyond Kabul.

V. Relief, recovery and reconstruction

49. By December 2003, international financial commitments in support of the national development budget for Afghan fiscal year 1382 (March 2002-March 2003) amounted to just under $1.6 billion, against an overall budget requirement of $1.8 billion. However, actual disbursements have been much lower, amounting to $776 million, or only 43 per cent of requirements. With only three months remaining in the current fiscal year, over 50 per cent of international commitments is yet to be disbursed.

50. At the same time, Afghanistan has received an additional $90 million in funds for projects outside of the cabinet-approved national development budget, and $40 million has been directed to programmes, mainly for refugee and repatriation support, outside of the country. The Ministry of Finance is currently taking steps to integrate off-budget projects into the development budget for 1383.

51. A provincial breakdown of international disbursements in support of the national development budget shows considerable variation across the country, with Kabul receiving a high concentration of support. As the Transitional Administration attempts to improve the social and geographic equity of recovery and development programmes, more analysis is needed to determine how the supply of international funds can be better directed towards local needs.

52. For its part, the United Nations activities in support of the national development budget include some $730 million in programmes, of which $372 million, or 51 per cent, has been received by agencies.

53. The Ministry of Finance is currently leading a study, entitled "Securing Afghanistan's future", to determine the costs of recovery and reconstruction to 2015. This is a target-based study, covering all sectors of the National Area-Based Development Programme, including an in-depth look, for the first time, at long-range national and internal security requirements. The objective of the effort is to present an authoritative report to an international conference that is being scheduled for early in the new year. Cutting through the sector analysis, two themes will be given particular attention. The first is the issue of the equity of investments in the development of Afghanistan's social capital. The second area of focus is the role of markets and the private sector as mechanisms for long-term development.

54. The study builds on the initial round of needs assessments carried out by the World Bank, the Asian Development Bank and UNDP immediately following the

signing of the Bonn Agreement in late 2001, but incorporates new knowledge, acquired over the past two years, about the long-term costs of recovery, including the additional costs of insecurity. A team of about 150 experts has been assembled for this exercise. UNAMA is directly supporting the analysis of needs on security sector reform, which includes long-term projections in the areas of police, the national army, drug control, justice, mine action and disarmament, demobilization and reintegration. The study reflects a convergence of national and international interests, as several key donors have been requested by the Transitional Administration to provide a longer-term strategic vision for recovery.

55. The first cash payments of the National Solidarity Programme were made this month in four provinces: Kandahar, Farah, Herat and Parwan. This involved a total payout of approximately $228,000 (11 million afghanis) to some 14 villages, each comprising at least 100 families. Payouts for each village ranged from $2,500 to $45,000, depending on the size of the project. The National Solidarity Programme is administered by the Ministry of Rural Rehabilitation and Development and funded by the World Bank, and implementation is supported by the United Nations Human Settlements Programme and some 21 national and international non-governmental organizations. The National Solidarity Programme is designed to empower local communities to make decisions, allocate resources and manage their own reconstruction projects. The communities elect representatives who then identify and submit projects for approval under the Programme.

56. For the first year of the project, it is expected that $150 million will be disbursed to over 7,000 villages, with plans for similar expenditures in 2005 and 2006. The National Solidarity Programme, one of the point 6 priority projects, is funded by the World Bank.

Roads

57. In the vital roads sector, the United States of America and Japan, with the participation of Saudi Arabia, began repairing six sections of the Kabul-Kandahar highway, totalling 439 kilometres in length, in July 2003. The road was inaugurated on 16 December, in a ceremony led by President Karzai. Some 90 delegates to the Constitutional Loya Jirga participated. Elsewhere, Pakistan and the European Union are undertaking the reconstruction of the Torkham-Kabul road, the Asian Development Bank is proceeding on the Spin Boldak-Kandahar sector and the Islamic Republic of Iran should complete work on the Islam Qala-Herat road early next year. As part of a $108 million World Bank emergency transport rehabilitation programme, reconstruction of the Salang Tunnel, the main road link between the north and south of the country, began in July 2003 under the supervision of the Ministry of Public Works.

VI. Mission support

58. As noted above, in response to the increased threat of attacks targeting United Nations staff and premises, UNAMA and United Nations agencies have been reviewing and, where necessary, upgrading security measures at all office compounds and residences. Physical measures to bring these facilities into compliance with United Nations minimum operating security standards have

included the installation of reinforced gates, concertina wire and blast film on windows, as well as the redoubling of armed guards.

59. During the reporting period, new UNAMA electoral offices were constructed in the eight regional centres in time for the start of the 1 December registration. Construction has also started on separate UNAMA passenger and cargo terminal facilities at Kabul International Airport.

VII. Observations

60. The ultimate aim of the Bonn process is of course to ensure Afghanistan's transition from the war and instability of the past 23 years to a degree of peace and stability that is irreversible, with a constitutionally empowered and democratically elected Government and the necessary security and financial resources to provide a sound basis for the country's continued development. Over the past two years, much progress has been made towards that end. However, critical challenges now face the process, and Afghanistan and the international community will need to take further steps, expeditiously, if the process is to be successfully concluded.

61. Chief among these challenges is the problem of insecurity created by factional misrule in the provinces, and by the efforts of "spoilers", including Taliban elements, loyalists of Gulbuddin Hekmatyar and possibly Al-Qaida to disrupt the peace process and the reconstruction effort using tactics of terror and insurgency. With currently limited national army, police and international security resources to provide protection, insecurity in the south and south-east, particularly, has had the effect of shrinking the area in which the Government, the United Nations and the international community can effectively operate. This has negative implications for both the reconstruction effort and the political processes of Bonn. The Government, ISAF, the coalition forces and the United Nations are working hard to better coordinate and increase the resources available on the ground to address the problem, but, as yet, these are too limited to ensure the completion of the Bonn process.

62. To date, the political elements of the Bonn process have been successfully carried forward by concentrating activities in city and regional centres, thereby mitigating threats that predominated in rural areas. Thus, for example, the public consultations on the Constitution, which would preferably have been conducted right down to the district level, were held in provincial capitals. Likewise, the registration and election of Constitutional Loya Jirga delegates drew on the process used for Emergency Loya Jirga district delegates and took place at protected provincial and regional centres, since a new series of elections beginning at the district level was no longer possible in all areas. The recent attacks on the United Nations in the cities of Kandahar and Ghazni, and threats by people claiming to speak on behalf of the Taliban, have highlighted that security threats for international personnel and for the Bonn process now exist in city centres.

63. With the start of electoral registration, the Bonn process has now arrived at the point where such mitigation strategies cannot suffice. The number of registration centres currently open is too low to meet the target rate of registration. Direct access to each of up to 10 million eligible voters must be available, and lack of access due to insecurity will result in the disenfranchisement of voters. Given that inaccessible areas are concentrated in the south, this disenfranchisement would have most

damaging ethnic undertones. Also, while presidential elections based on a single national constituency might still credibly be held if a few small areas were left out, (although there would be risks if the winner had only a small margin of victory), legislative elections would not be possible. It is therefore urgently important that the Afghan Government, ISAF and the coalition forces take every measure possible to resolve the security problems facing the electoral process.

64. Security for elections must involve more than the protection of electoral stations and staff. There must also be an environment enabling free political organization and expression. To limit the constraints on political freedom currently maintained by factional leaders through their military dominance in the regions, it is critical that the disarmament, demobilization and reintegration process also move forward. The planned expansion of international security assistance beyond Kabul can accelerate the disarmament, demobilization and reintegration process in a number of ways, including by monitoring the process, encouraging the factional commanders to participate and accelerating the build-up of national army and police forces in the regions to replace demobilized units. Here too, time is of the essence, as the expansion currently planned by NATO is not expected to take effect for some months. I urge NATO and the coalition forces to take every measure possible to speed the deployment of security assistance in the provinces.

65. The Afghan Transitional Administration and the international community have been partners in the Bonn process, a partnership characterized by a high degree of mutual cooperation and support, which is to be commended. Others, who wish to stop the process, have shown that they are reorganizing. It may be said that now there is a race between those who support the Bonn process and those who wish to see it fail.

66. I believe that this race certainly can be won, but complacency is not an option, and we must resolutely take the steps necessary to ensure success. I believe the time has come for the international community, the Afghan Government and, indeed, all Afghans committed to peace in their country to come together, assess the progress made and make the necessary commitments to complete the transition in Afghanistan. President Karzai and Minister for Foreign Affairs Abdullah discussed with the Security Council mission that visited Afghanistan the possibility of a second international conference on Afghanistan. In line with the Council's request to me to further explore that possibility, my Special Representative for Afghanistan has circulated a non-paper to the Afghan Government and diplomatic corps in Kabul. The non-paper acknowledges gains made under the Bonn process so far, but points out that to ensure success, further reforms are needed to broaden the representativeness of the Government, improvements in the security situation must be made to end the misrule of factions and counter at all levels the threat from terrorists, and more progress in reconstruction must be made. The non-paper further argues that donor commitments are needed, beyond the timelines of the Bonn Agreement, to consolidate Government authority, entrench the rule of law, counter the threat of the narcotics economy and carry Afghanistan's peace process to the point of irreversibility.

67. One way of addressing the issues raised in that non-paper might be the convening of a new political and donor conference, in the first months of 2004, to chart the way forward. Its aim should be to strengthen the gains made and accelerate the implementation of the Bonn Agreement. Such a conference would also help

ensure the success of presidential elections in mid-2004, as it would help address some of the challenges that now lie in the path of the Bonn process. A clear plan, coupled with finances conditional on its implementation, will provide a strong signal that the resolve of the Afghan leadership and the international community remains firm.

68. The outcome of the ongoing Constitutional Loya Jirga remains to be seen. Afghans listening to and watching the live broadcasts are observing open political debate of a kind that has been absent in their country for many years. They hope the delegates to the Loya Jirga will undertake their historic responsibility in a spirit of compromise and with the aim of consensus, so that the new Constitution can be a foundation for a new Afghanistan, at peace with itself and its neighbours.

69. Finally, on the occasion of his departure, I wish to pay a special tribute to Lakhdar Brahimi, my Special Representative, for his exceptional leadership and commitment, and to all the men and women of UNAMA and its partner organizations for their outstanding efforts on behalf of Afghanistan.